

INTER-OFFICE COMMUNICATIONS

APR 10 1986

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. - Civil
Jerry Nolan, Director of Admin. - Sheriff's Office
John Lehner, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Chip Carlson, Assistant County Attorney
Patty Young - 4th District Court of Appeals
Law Library
(2) County Library

DATE: April 8, 1986

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 86-8

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, RELATING TO THE
ENFORCEMENT OF CONSTRUCTION TRADE CODES; PROVIDING
FOR VIOLATIONS INCLUDING ENGAGING IN BUILDING TRADES
CONTRACTING WITHOUT BEING LICENSED, FURNISHING FALSE
OR MISLEADING INFORMATION FOR A PERMIT, HOLDING
ONESELF AS BEING CERTIFIED OR REGISTERED WHEN NOT
CERTIFIED OR REGISTERED, DOING WORK WITHOUT PROPER
PERMITS, ADVERTISING AS A CONTRACTOR WITHOUT BEING
QUALIFIED; AND PUBLISHING ADVERTISEMENTS WITHOUT THE
CONTRACTOR'S CERTIFICATION NUMBER; PROVIDING FOR
APPLICABILITY IN UNINCORPORATED AND INCORPORATED
AREAS; PROVIDING FOR ENFORCEMENT BY, AND SPECIAL
DEPUTIZATION OF, CONSTRUCTION INDUSTRY LICENSING
BOARD STAFF; PROVIDING FOR THE EFFECT OF THE CITATION
AND PROCEDURE, PAYING THE FINE, OR APPEARING IN
COURT; PROVIDING FOR A FINE SCHEDULE AND MINIMUM
FINE; PROVIDING FOR A LIMITATION ON THE POWER OF THE
INVESTIGATORS; PROVIDING THAT THE ORDINANCE IS
SUPPLEMENTAL; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach
County. This Ordinance has been filed with Florida Department of State
and forwarded to Municipal Code Corporation for codification. The
effective date is April 7, 1986 at 4:07 P.M.

Signed


Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office
and we will be happy to provide a copy.

ORDINANCE NO. 86-8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, RELATING TO THE
ENFORCEMENT OF CONSTRUCTION TRADE CODES; PROVIDING
FOR VIOLATIONS INCLUDING ENGAGING IN BUILDING TRADES
CONTRACTING WITHOUT BEING LICENSED, FURNISHING FALSE
OR MISLEADING INFORMATION FOR A PERMIT, HOLDING
ONESELF AS BEING CERTIFIED OR REGISTERED WHEN NOT
CERTIFIED OR REGISTERED, DOING WORK WITHOUT PROPER
PERMITS, ADVERTISING AS A CONTRACTOR WITHOUT BEING
QUALIFIED; AND PUBLISHING ADVERTISEMENTS WITHOUT THE
CONTRACTOR'S CERTIFICATION NUMBER; PROVIDING FOR
APPLICABILITY IN UNINCORPORATED AND INCORPORATED
AREAS; PROVIDING FOR ENFORCEMENT BY, AND SPECIAL
DEPUTIZATION OF, CONSTRUCTION INDUSTRY LICENSING
BOARD STAFF; PROVIDING FOR THE EFFECT OF THE CITATION
AND PROCEDURE, PAYING THE FINE, OR APPEARING IN
COURT; PROVIDING FOR A FINE SCHEDULE AND MINIMUM
FINE; PROVIDING FOR A LIMITATION ON THE POWER OF THE
INVESTIGATORS; PROVIDING THAT THE ORDINANCE IS
SUPPLEMENTAL; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the construction industry is a matter
substantially affecting the public interest; and

WHEREAS, to protect the health, safety and general
welfare of the public it is necessary to ensure that
individuals engaged in the construction industry are duly
qualified and that construction is done according to code; and

WHEREAS, existing laws and enforcement procedures
have not ensured substantial compliance; and

WHEREAS, certain measures can be taken to streamline
and expand enforcement.

1 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

3 SECTION 1.

4 This ordinance is intended to facilitate the uniform, orderly,
5 and comprehensive enforcement of construction trade ordinances in Palm
6 Beach County.

7 SECTION 2. VIOLATIONS

8 It shall be a violation of this ordinance for any person,
9 individual, partnership, corporation, firm, association, or entity to:

10 (a) Engage in the business of contracting in the construction
11 trades regulated pursuant to Florida Statutes, Chapter 489, Parts I and
12 II (1985); Laws of Florida, Chapter 67-1876 as amended by Chapters
13 69-1433, 70-849, 75-476, 81-456, and 84-495; and any rules and
14 regulations promulgated under either without being in compliance with all
15 of said statute, said Laws of Florida, and any rules and regulations
16 promulgated under either;

17 (b) Intentionally furnish any materially false, misleading, or
18 misrepresentative information on an application for permit;

19 (c) Hold oneself out as being certified pursuant to said
20 Florida Statute or said Laws of Florida when not so certified;

21 (d) Hold oneself out as being licensed or registered pursuant
22 to said Statute when not so licensed or registered;

23 (e) Engage in any activity requiring a permit without having
24 obtained the appropriate permits under the applicable edition of the
25 Standard Building Code, Standard Plumbing Code, Standard Mechanical Code,
26 Standard Gas Code, National Electric Code, and Standard Fire Code, as
27 such have been, or may be, amended; or

28 (f) To advertise to the public in any publication,
29 transmission, business card, pamphlet, telephone directory, or otherwise
30 that he is a contractor, is qualified to engage in business as a
31 contractor, or that he will perform work in a trade regulated by said
32 Statute or said Laws of Florida without being duly qualified to so act.

33 (g) To knowingly publish an advertisement without the
34 contractor's certification number.

1 (h) To knowingly publish an advertisement in any publication
2 which is primarily circulated, displayed, distributed or marketed within
3 Palm Beach County, which advertisement identifies a contractor offering
4 services regulated by said statute or said Laws of Florida as they may be
5 amended from time to time, unless the advertisement included the
6 certification number issued by the State of Florida or by Palm Beach
7 County to that contractor. Nothing in this ordinance shall be construed
8 as requiring that the publisher determine or investigate whether the
9 license number given is accurate or whether the person for whom the
10 advertisement is published is duly licensed.

11 SECTION 3. DEFINITIONS

12 As used in this ordinance, the following terms shall have the
13 meaning described below:

14 Application for permit - any permit application made under the
15 codes listed in Section 2.(e) above, including all documents submitted
16 therewith.

17 Contractor - the person who is responsible for the work being
18 performed, or offered to be performed, (1) who engages in business under
19 express or implied contract in any of the trades requiring certification
20 pursuant to said Statute or said Laws of Florida; or (2) who undertakes,
21 offers, or bids to undertake, or purports to have the capacity to
22 undertake work or performance in a trade regulated pursuant to said
23 Statute or said Laws of Florida, including specialty contractors and
24 sub-contractors.

25 Appropriate editions - the year edition of the Code listed in
26 Section 2 above as amended and adopted by the appropriate local
27 governmental entity.

28 Registered - registered as required pursuant to said Statute.

29 Licensed - licensed as required pursuant to said Statute.

30 Regulated - required to be certified, licensed, and/or
31 registered pursuant to said Statute or said Laws of Florida; excluding
32 those trades or activities not subject to, or specifically exempt from,
33 said Statute or said Laws of Florida.

1 Said Statute - Florida Statutes, Chapter 489, Parts I and II
2 (1985) as such may be amended, and any rules or regulations adopted
3 thereunder.

4 Said Laws of Florida - Laws of Florida, Chapter 67-1876, as
5 amended by Chapters 69-1433, 70-489, 75-476, 81-456, and 84-495, as such
6 may be amended, and any rules or regulations adopted thereunder.

7 Duly qualified - in conformance with the requirements of said
8 Statute or said Laws of Florida by being certified, licensed, or
9 registered.

10 Investigator - an individual authorized, by the applicable
11 local governmental entity through ordinance, resolution, policy, or
12 administrative order, to enforce the provisions of this ordinance who has
13 the authority to issue notices to appear; including the Construction
14 Industry Licensing Board Investigators and Director, excluding law
15 enforcement officers.

16 SECTION 4. APPLICABILITY

17 The provisions of this ordinance shall apply to both the
18 incorporated and unincorporated areas of Palm Beach County pursuant to
19 Article VIII, Section 1(g).

20 SECTION 5. ENFORCEMENT

21 (a) The Director and investigators of the Palm Beach County
22 Construction Industry Licensing Board are hereby charged with the
23 enforcement responsibilities of this ordinance. Said investigators shall
24 become specially deputized by the Palm Beach County Sheriff.

25 (b) The Construction Industry Licensing Board Director and
26 investigators who are specially deputized are hereby authorized to issue
27 citations or notices to appear for the violation of this ordinance when,
28 based upon personal investigation, the investigator has reasonable
29 probable grounds to believe that a violation of this ordinance has
30 occurred.

31 (c) Investigators shall not have the power of physical arrest.

32 (d) Law enforcement officers are authorized to enforce the
33 provisions of this ordinance.

1 (e) Municipalities within which this ordinance is effective
 2 may, by ordinance, resolution, policy, or administrative order, authorize
 3 individual(s) to enforce the provisions of this ordinance.

4 SECTION 6. EFFECT OF CITATION; PROCEDURE

5 (a) Any person cited for violation of this ordinance shall be
 6 cited to appear in County Court.

7 (b) Any person cited for an infraction under this section
 8 shall sign and accept a citation indicating a promise to appear.

9 (c) Any person who willfully refuses to accept and sign the
 10 citation shall be in violation of this ordinance and shall be punished in
 11 accordance with Section 125.69, Florida Statutes.

12 (d) Any person cited with a violation of this ordinance may
 13 pay the penalty in accordance with the schedule set forth in Section 6
 14 within ten (10) days of the date of receiving the citation.

15 (e) If the person cited follows the above procedure, he shall
 16 be deemed to have admitted the violation and to have waived his right to
 17 a hearing on the issue of the commission of the infraction.

18 (f) Any person electing to appear or who is required to so
 19 appear shall be deemed to have waived his right to the civil penalty.

20 SECTION 7. PENALTIES

21 (a) The penalty required for the disposition of an infraction
 22 of this ordinance shall be as follows:

| <u>Number of Violations Within Any</u> <u>Twelve Month Period</u> | <u>Amount of Fine</u> |
|--|-----------------------|
| (1) First Violation | \$125.00 |
| (2) Second Violation | 250.00 |
| (3) Third Violation | 400.00 |

28 (b) For each successive violation thereafter the penalty shall
 29 be as set forth in Florida Statutes, Section 125.69 (Five Hundred Dollars
 30 (\$500.00) and/or sixty (60) days imprisonment), but in no event shall the
 31 fine be less than Four Hundred Dollars (\$400.00) for the fourth and each
 32 violation thereafter, or less than the fine set forth in Section 7(a) for
 33 the respective violation.

1 (c) Each day of a continuing violation, each advertisement,
2 each permit, each contract, and each separate activity requiring a permit
3 shall constitute a separate violation under Section 2.

4 SECTION 8.

5 Nothing herein contained shall be construed to authorize or
6 permit said investigators or the Construction Industry Licensing Board
7 director to perform any function or duty of a law enforcement officer
8 other than as specified herein.

9 SECTION 9. ORDINANCE SUPPLEMENTAL

10 The provisions of this ordinance are supplemental, in addition
11 to, and not in derogation of all existing laws and ordinances effective
12 in Palm Beach County.

13 Section 10. SEVERABILITY

14 If any section, paragraph, sentence, clause, phrase, or word of
15 this ordinance is for any reason held by the Court to be unconstitu-
16 tional, inoperative or void, such holding shall not affect the remainder
17 of this ordinance.

18 Section 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

19 The provisions of this ordinance shall become and be made a
20 part of the code of laws and ordinances of Palm Beach County, Florida.
21 The Sections of the ordinance may be renumbered or relettered to
22 accomplish such, and the word "ordinance" may be changed to "section,"
23 article," or any other appropriate word.

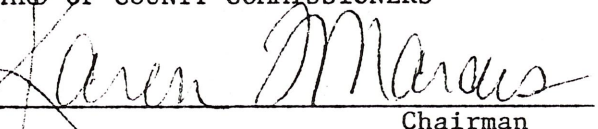
24 Section 12. EFFECTIVE DATE

25 The provisions of this ordinance shall become effective upon
26 receipt of acknowledgement by the Secretary of State.

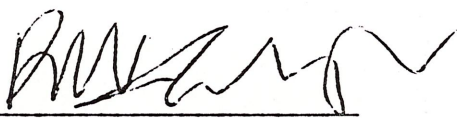
27 APPROVED AND ADOPTED by the Board of County Commissioners of
28 Palm Beach County, Florida, on the 25th day of March, 1986.

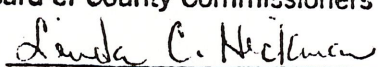
29 PALM BEACH COUNTY, FLORIDA, BY ITS
30 BOARD OF COUNTY COMMISSIONERS

31 By


Chairman

33 APPROVED AS TO FORM AND
34 LEGAL SUFFICIENCY

35 
36 County Attorney

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By 
DEPUTY CLERK

1 Acknowledgement by the Department of State of the State of
2 Florida, on this, the 4th day of April, 19 86.

3 EFFECTIVE DATE: Acknowledgement from the Department of State
4 received on the 7th day of April, 19 86, at 4:07
5 P.M., and filed in the Office of the Clerk of the Board of County
6 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on March 25, 1986
DATED at West Palm Beach, FL on 4/8/86
JOHN B. DUNKLE, Clerk
By: *Joe Ching* D.C.
Deputy Clerk